

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JULIO E. ILARRAZA,  
Plaintiff,

v.

SUPERINTENDENT KERESTES,  
et al,  
Defendants.

:  
:  
:  
:  
:  
: (Rambo, J)  
: (Saporito, M.J.)  
:  
:  
:

FILED  
WILKES BARRE  
MAR 24 2016

Per

MS

MEMORANDUM

Presently pending before the court is Plaintiff's motion to appoint counsel. (Doc. 36). In the motion, the petitioner is identified as Joseph Wallace. Joseph Wallace is not a party to this action. However, it appears as though the plaintiff, Julio E. Rivera-Illarraza signed the motion.

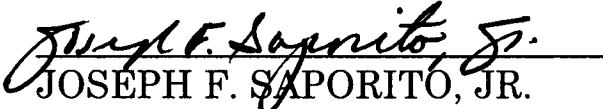
*Pro se* litigants' pleadings, like the plaintiff's, are held to less stringent standards than formal pleadings drafted by lawyers. Haines v. Kerner, 404 U.S. 519, 520 (1972). We are required to liberally construe the pleadings of a *pro se* litigant. Higgs v. Attorney Gen., 655 F.3d 333, 339 (3d Cir. 2011). Thus, we will construe the plaintiff's motion for appointment of counsel (Doc. 36) as if it were filed by the plaintiff, Julio E. Rivera-Illarraza. For the following reasons, the motion will be denied

without prejudice.

We note that the plaintiff has a history of filing motions to appoint counsel in this case. The instant motion is the plaintiff's fourth motion to appoint counsel, the last motion was filed on March 1, 2016 (Doc. 28) which we denied on March 16, 2016 (Doc. 34). The current motion to appoint counsel was filed March 21, 2016.

The plaintiff requests counsel this time because he "is unable to pay such costs or give security therefore." For the reasons set forth in our memoranda dated December 7, 2015 (Doc. 13), December 10, 2015 (Doc. 17), and March 16, 2016 (Doc. 33), the motion will be denied without prejudice.

In the event that future proceedings demonstrate the need for counsel, the matter may be reconsidered *sua sponte* or upon motion of the plaintiff.

  
JOSEPH F. SAPORITO, JR.  
United States Magistrate Judge

Dated: March 24, 2016